



General Assembly

February Session, 2008

Raised Bill No. 5701

LCO No. 2257

02257_____PH_

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING REVISIONS TO STATUTES PERTAINING TO
THE DEPARTMENT OF PUBLIC HEALTH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-48a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 On and after January 1, 2002, each birth certificate shall be filed with
5 the name of the birth mother recorded. [The] If the birth is subject to a
6 gestational agreement, the Department of Public Health shall create a
7 replacement certificate in accordance with an order from a court of
8 competent jurisdiction not later than forty-five days after receipt of
9 such order or forty-five days after the birth of the child, whichever is
10 later. Such replacement certificate shall include all information
11 required to be included in a certificate of birth of this state as of the
12 date of the birth. When a certified copy of such certificate of birth is
13 requested by an eligible party, as provided in section 7-51, a copy of
14 the replacement certificate shall be provided. The department shall
15 seal the original certificate of birth in accordance with the provisions of
16 subsection (c) of section 19a-42. Immediately after a replacement

17 certificate has been prepared, the department shall transmit an exact
18 copy of such certificate to the registrar of vital statistics of the town of
19 birth and to any other registrar as the department deems appropriate.
20 The town shall proceed in accordance with the provisions of section
21 19a-42.

22 Sec. 2. Subsection (a) of section 7-72 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2008*):

25 (a) Each sexton having charge of any burial place shall, during the
26 first week of each month, return a list of all interments, disinterments
27 and removals made by such sexton during the preceding month [next
28 preceding, with the dates thereof,] to the registrar of the town. [and
29 also, within said time, file with the registrar permits received by such
30 sexton by virtue of which a body has been brought into the town from
31 another town or state for burial, with such sexton's endorsement
32 thereon showing when and in what cemeteries the interments took
33 place.] The list shall be in a format prescribed by the Commissioner of
34 Public Health. The sexton shall also file during the first week of each
35 month, completed burial permits received by such sexton in the
36 preceding month. The registrar shall inscribe upon each certificate and
37 each permit [so] received the date of its reception and record such lists
38 and permits in [books to be furnished by the Department of Public
39 Health] a log. When a permit has been given for the disinterment and
40 removal of a body, the registrar shall make a memorandum on the
41 registrar's records of such removal and the place to which such body
42 was removed.

43 Sec. 3. Subsection (b) of section 19a-215 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2008*):

46 (b) [Each] A health care provider shall report [in writing or by
47 telephone] each case occurring in [his] such provider's practice, of any
48 disease on the commissioner's list of reportable diseases and

49 laboratory findings to the director of health of the town, city or
50 borough in which such case resides and to the Department of Public
51 Health,[within] no later than twelve hours after [his] such provider's
52 recognition of the disease. Such reports shall be in writing, by
53 telephone or in an electronic format approved by the commissioner.
54 Such reports of disease shall be confidential and not open to public
55 inspection except as provided in subsection (d) of this section.

56 Sec. 4. Section 19a-209c of the 2008 supplement to the general
57 statutes is repealed and the following is substituted in lieu thereof
58 (*Effective October 1, 2008*):

59 (a) Any person who applies to the Department of Public Health for
60 [authorization relating to] an exception to the separating distance
61 requirements for the repair or new construction of a subsurface sewage
62 disposal system [that involves the waiver of the proximity requirement
63 of a subsurface sewage disposal system in relation to a private
64 residential] relative to a water supply well, shall notify all owners of
65 [abutting] properties with water supply wells affected by the exception
66 request of such application by certified mail, return receipt requested.
67 The notice shall include a copy of the application. [A decision by the
68 Department of Public Health concerning such application shall
69 constitute a final decision for purposes of section 4-183.]

70 (b) A decision approving such an application shall not be an
71 affirmative defense for the owner of the subsurface sewage disposal
72 system to any claim of liability for damages relating to contamination
73 caused by the proximity of a subsurface sewage disposal system to a
74 [private residential] water supply well.

75 Sec. 5. Subsection (a) of section 19a-36 of the 2008 supplement to the
76 general statutes is repealed and the following is substituted in lieu
77 thereof (*Effective October 1, 2008*):

78 (a) The Commissioner of Public Health shall establish a Public
79 Health Code and, from time to time, amend the same. The Public

80 Health Code may provide for the preservation and improvement of
81 the public health.

82 (1) Said code may include regulations pertaining to retail food
83 establishments, including, but not limited to, food service
84 establishments, catering food service establishments and itinerant food
85 vending establishments and the permitting required from local health
86 departments or districts to operate said establishments.

87 (2) Drainage and toilet systems to be installed in any house or
88 building arranged or designed for human habitation, or field
89 sanitation provided for agricultural workers or migratory farm
90 laborers, shall conform to minimum requirements prescribed in said
91 code.

92 (3) Said code may include regulations requiring toilets and
93 handwashing facilities in large stores, as defined in such regulations,
94 in shopping centers and in places dispensing food or drink for
95 consumption on the premises, for the use of patrons of such
96 establishments, except that the provisions of such regulations shall not
97 apply to such establishments constructed or altered pursuant to plans
98 and specifications approved or building permits issued prior to
99 October 1, 1977.

100 (4) The provisions of such regulations (A) with respect to the
101 requirement of employing a qualified food operator and any reporting
102 requirements relative to such operator, shall not apply to an owner or
103 operator of a soup kitchen who relies exclusively on services provided
104 by volunteers, and (B) shall not prohibit the sale of food at a
105 noncommercial function such as an educational, religious, political or
106 charitable organization's bake sale or pot luck supper provided the
107 seller maintains such food under the temperature, pH level and water
108 activity level conditions that will inhibit the rapid and progressive
109 growth of infectious or toxigenic microorganisms. For the purposes of
110 this section, a "noncommercial function" means a function where food
111 is sold by a person not regularly engaged in the business of selling

112 such food.

113 (5) The provisions of such regulations with respect to qualified food
114 operators shall require that the contents of the test administered to
115 qualified food operators include elements testing the qualified food
116 operator's knowledge of food allergies.

117 (6) Each regulation adopted by the Commissioner of Public Health
118 shall state the date on which it shall take effect, and a copy of the
119 regulation, signed by the Commissioner of Public Health, shall be filed
120 in the office of the Secretary of the State and a copy sent by said
121 commissioner to each director of health, and such regulation shall be
122 published in such manner as the Commissioner of Public Health may
123 determine.

124 (7) Any person who violates any provision of the Public Health
125 Code shall be fined not more than one hundred dollars or imprisoned
126 not more than three months, or both.

127 Sec. 6. Section 19a-494a of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2008*):

129 If the Commissioner of Public Health finds that the health, safety or
130 welfare of any patient or patients served by an institution, as defined
131 in [subsections (d) and (e) of] section 19a-490 of the 2008 supplement to
132 the general statutes, imperatively requires emergency action and [he]
133 incorporates a finding to that effect in [his] the order, [he] the
134 commissioner may issue a summary order to the holder of a license
135 issued pursuant to section 19a-493 pending completion of any
136 proceedings conducted pursuant to section 19a-494. These proceedings
137 shall be promptly instituted and determined. The orders which the
138 commissioner may issue shall include, but not be limited to: (1)
139 Revoking or suspending the license; (2) prohibiting such institution
140 from contracting with new patients or terminating its relationship with
141 current patients; (3) limiting the license of such institution in any
142 respect, including reducing the patient capacity or services which may

143 be provided by such institution; and (4) compelling compliance with
144 the applicable statutes or regulations of the department.

145 Sec. 7. Section 19a-70 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective October 1, 2008*):

147 If the Department of Public Health finds that there is an epidemic of
148 any disease within the state and that antitoxin or other biologic
149 product is in short supply, the commissioner shall notify the Governor,
150 who may proclaim that an emergency exists. On such declaration, the
151 Governor shall appoint an advisory committee, consisting of the
152 Commissioner of Public Health and such five other persons as the
153 Governor deems advisable. The committee shall recommend to the
154 Department of Public Health the priority of the supply, distribution
155 and use of such biologic products in the interest of the health, welfare
156 and safety of the people of the state. The Department of Public Health,
157 after receiving the recommendations of the committee, is authorized to
158 make regulations determining the priority of supply, distribution and
159 use of such biologic product. Violation of any such regulation on the
160 part of any physician or pharmacist shall be cause for the revocation,
161 suspension or annulment of a license or certificate of registration or
162 other disciplinary action in accordance with sections 20-13a to [20-13i]
163 20-13e, inclusive, or section 20-45, 20-576 or 20-579.

164 Sec. 8. Section 20-13a of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2008*):

166 As used in sections 20-13a to [20-13i] 20-13e, inclusive, unless the
167 context otherwise requires:

168 (1) "Board" means the Connecticut Medical Examining Board, as
169 provided for in section 20-8a of the 2008 supplement to the general
170 statutes;

171 (2) "Commissioner" means the Commissioner of Public Health;

172 (3) "County society" means a county medical association affiliated

173 with the Connecticut State Medical Society;

174 (4) "Department" means the Department of Public Health;

175 (5) "License" means any license or permit issued pursuant to section
176 20-10, 20-11a or 20-12;

177 (6) "Physician" means a person holding a license issued pursuant to
178 this chapter, except a homeopathic physician; and

179 (7) "State society" means the Connecticut State Medical Society or
180 the Connecticut Osteopathic Medical Society.

181 Sec. 9. Section 20-13b of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective October 1, 2008*):

183 The Commissioner of Public Health, with advice and assistance
184 from the board, shall establish guidelines as may be necessary to carry
185 out the provisions of sections 20-13a to [20-13i] 20-13e, inclusive. Not
186 later than January 1, 2006, such guidelines shall include, but need not
187 be limited to: (1) Guidelines for screening complaints received to
188 determine which complaints will be investigated; (2) guidelines to
189 provide a basis for prioritizing the order in which complaints will be
190 investigated; (3) a system for conducting investigations to ensure
191 prompt action when it appears necessary; (4) guidelines to determine
192 when an investigation should be broadened beyond the scope of the
193 initial complaint to include, but not be limited to, sampling patient
194 records to identify patterns of care, reviewing office practices and
195 procedures, and reviewing performance and discharge data from
196 hospitals; and (5) guidelines to protect and ensure the confidentiality
197 of patient and provider identifiable information when an investigation
198 is broadened beyond the scope of the initial complaint. Such guidelines
199 shall not be considered regulations, as defined in section 4-166.

200 Sec. 10. Section 22-6r of the 2008 supplement to the general statutes
201 is repealed and the following is substituted in lieu thereof (*Effective*
202 *from passage*):

203 (a) For purposes of this section:

204 (1) "Farmers' market" means a cooperative or nonprofit enterprise or
205 association that consistently occupies a given site throughout the
206 season, which operates principally as a common marketplace for a
207 group of farmers, at least two of whom are selling Connecticut-grown
208 fresh produce, to sell Connecticut-grown farm products [directly to
209 consumers and to sell fresh produce to food service establishments, as
210 defined in section 19-13-B42 of the regulations of Connecticut state
211 agencies,] in conformance with the applicable regulations of
212 Connecticut state agencies and where the farm products sold are
213 produced by the participating farmers with the sole intent and purpose
214 of generating a portion of household income;

215 (2) "Fresh produce" means fruits and vegetables that have not been
216 processed in any manner;

217 (3) "Certified farmers' market" means a farmers' market that is
218 authorized by the commissioner to operate;

219 (4) "Farmer's kiosk" means a structure or area located within a
220 certified farmers' market used by a farm business to conduct sales of
221 Connecticut-grown farm products;

222 (5) "Connecticut-grown" means produce and other farm products
223 that have a traceable point of origin within Connecticut;

224 (6) "Farm" has the meaning ascribed to it in subsection (q) of section
225 1-1;

226 (7) "Farm products" means any fresh fruits, vegetables, mushrooms,
227 nuts, shell eggs, honey or other bee products, maple syrup or maple
228 sugar, flowers, nursery stock and other horticultural commodities,
229 livestock food products, including meat, milk, cheese and other dairy
230 products, food products of "aquaculture", as defined in subsection (q)
231 of section 1-1, including fish, oysters, clams, mussels and other
232 molluscan shellfish taken from the waters of the state or tidal

233 wetlands, products from any tree, vine or plant and their flowers, or
234 any of the products listed in this subdivision that have been processed
235 by the participating farmer, including, but not limited to, baked goods
236 made with farm products.

237 (b) A farmer's kiosk at a certified farmers' market shall be
238 considered an extension of the farmer's business and regulations of
239 Connecticut state agencies relating to the sale of farm products on a
240 farm shall govern the sale of farm products at a farmer's kiosk.

241 (c) [(1)] A farmer offering farm products for sale at a certified
242 farmers' market shall obtain and maintain any license required to sell
243 such products.

244 [(2)] (d) A food service establishment, as defined in section 19-13-
245 B42 of the regulations of Connecticut state agencies, [shall request and
246 obtain] may purchase farm products that have been produced and are
247 sold in conformance with the applicable regulations of Connecticut
248 state agencies at a farmers' market, provided such establishment
249 requests and obtains an invoice from the farmer or person selling
250 [fresh produce] farm products. The farmer or person selling [fresh
251 produce] farm products shall provide to the food service establishment
252 an invoice that indicates the source and date of purchase of the [fresh
253 produce] farm products at the time of the sale.

254 [(d)] (e) Section 22-6g or this section shall not supersede the
255 provisions of any state or local health and safety laws, regulations or
256 ordinances.

257 Sec. 11. Section 19a-492d of the 2008 supplement to the general
258 statutes is repealed and the following is substituted in lieu thereof
259 (*Effective October 1, 2008*):

260 On and after October 1, 2007, a nurse who is employed by an agency
261 licensed by the Department of Public Health as a home health care
262 agency or a homemaker-home health aide agency may administer

263 influenza and pneumococcal polysaccharide vaccines to [patients]
 264 persons in their homes, after an assessment for contraindications,
 265 without a physician's order in accordance with a physician-approved
 266 agency policy that includes an anaphylaxis protocol. In the event of an
 267 adverse reaction to the vaccine, such nurse may also administer
 268 epinephrine or other anaphylaxis medication without a physician's
 269 order in accordance with the physician-approved agency policy. For
 270 purposes of this section, "nurse" means an advanced practice
 271 registered nurse, registered nurse or practical nurse licensed under
 272 chapter 378.

273 Sec. 12. Subsection (c) of section 19a-7h of the general statutes is
 274 repealed and the following is substituted in lieu thereof (*Effective*
 275 *October 1, 2008*):

276 (c) Except as specified in subsections (a) and (b) of this section, all
 277 personal information including vaccination status and dates of
 278 vaccination of individuals shall be confidential pursuant to section 19a-
 279 25 and shall not be further disclosed without the authorization of the
 280 child or the child's legal guardian. [After consultation with the state
 281 Childhood Immunization Advisory Council established under section
 282 19a-7g, the] The commissioner shall adopt regulations, pursuant to
 283 chapter 54, to specify how information on vaccinations or exemptions
 284 from vaccination will be reported in a timely manner to the registry,
 285 how information on the registry will be made available to health care
 286 providers, parents or guardians, and directors of health, how parents
 287 or guardians may decline their child's enrollment in the registry, and
 288 to otherwise implement the provisions of this section.

289 Sec. 13. (*Effective October 1, 2008*) Sections 19a-7g, 19a-127k, 19a-181e,
 290 19a-197, 20-13i and 25-39a of the general statutes are repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	7-48a

Sec. 2	<i>October 1, 2008</i>	7-72(a)
Sec. 3	<i>October 1, 2008</i>	19a-215(b)
Sec. 4	<i>October 1, 2008</i>	19a-209c
Sec. 5	<i>October 1, 2008</i>	19a-36(a)
Sec. 6	<i>October 1, 2008</i>	19a-494a
Sec. 7	<i>October 1, 2008</i>	19a-70
Sec. 8	<i>October 1, 2008</i>	20-13a
Sec. 9	<i>October 1, 2008</i>	20-13b
Sec. 10	<i>from passage</i>	22-6r
Sec. 11	<i>October 1, 2008</i>	19a-492d
Sec. 12	<i>October 1, 2008</i>	19a-7h(c)
Sec. 13	<i>October 1, 2008</i>	Repealer section

Statement of Purpose:

To clarify and update the public health statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]